

U.S. Appln. No. 09/901,273
Reply to Office Action dated June 10, 2005

PATENT
450117-03383

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-19 are pending in this application. Claims 1 and 14 are hereby amended. Support for this amendment is provided throughout the Specification as originally filed. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled. The Examiner is thanked for indicating that claims 2-6, 9, 11 and 15-19 are allowable.

II. REJECTION UNDER 35 U.S.C. § 102(e)

Claims 1, 7, 8, 10, and 12-14 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. 6,650,178 to Brankovic et al.

With respect to the Section 102 rejection, it is respectfully pointed out that a two-prong inquiry must be satisfied in order for a Section 102 rejection to stand. First, the prior art reference must contain all of the elements of the claimed invention. *See Lewmar Marine Inc. v. Barient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987). Second, the prior art must contain an enabling disclosure. *See Chester v. Miller*, 15 U.S.P.Q.2d 1333, 1336 (Fed. Cir. 1990). A reference

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contains an enabling disclosure if a person of ordinary skill in the art could have combined the description of the invention in the prior art reference with his own knowledge of the art to have placed himself in possession of the invention. *See In re Donohue*, 226, U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Independent claim 1, as amended, recites "a multiplexing means for multiplexing low-pass-filtered output signals of the power sensors to a single output."

It is respectfully submitted that Brankovic, contrary to the Examiner's assertion does not provide a multiplexer, let alone one that multiplexes signals to a single output as recited by claim 1. A multiplexer, as commonly defined, is a device that combines several electrical signals into a single signal. *See, www.wikipedia.org*. However, the Office Action relies in the instant office action on element 755 of Fig. 25 as being a multiplexer. Applicants respectfully submit that the disclosure in Brankovic does not disclose or suggest the elements recited in claim 1, specifically the multiplexing means for multiplexing low-pass-filtered output signals of the power sensors to a single output.

Accordingly, because Brankovic fails to meet even the first prong of the test for rejection under 35 U.S.C. § 102. Therefore, claim 1 patenably distinguishes over the relied upon portion of the cited reference and is allowable.

For reasons similar or somewhat similar to those described above with regard to amended independent claim 1, amended independent claim 14 is believed to be distinguishable from Brankovic.

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III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION


In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,
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